

Decision 12-10-043 October 25, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Michael Hetherington and Janet Hetherington,

Complainants,

vs.

Pacific Gas & Electric Company (U39E),

Defendant.

Case 10-10-010
(Filed October 13, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline for completion of this proceeding until October 13, 2013.

Background

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint is October 13, 2012. However, additional time is necessary for the presiding officer's decision to be issued for the reasons stated below. Therefore, this order extends the time for completion of this proceeding until October 13, 2013.

This case arises from a dispute concerning Complainants' request that Pacific Gas and Electric Company (PG&E) relocate PG&E's electric meter to a new location on Complainants' property. Complainants, Michael Hetherington and Janet Hetherington, filed this complaint on October 13, 2010, and Defendant, PG&E, answered in due course. The first prehearing conference (PHC) in this matter was held on April 8, 2011. At the PHC, parties agreed to enter into mediation with a Neutral Administrative Law Judge (ALJ) and a Neutral ALJ was assigned on April 18, 2011. Because of the ongoing mediation, Decision 11-10-008 extended the time for completion of this proceeding to October 13, 2012. On February 9, 2012, complainants informed the assigned ALJ and the Neutral ALJ of their wish to suspend mediation efforts, and their intention to file an amended complaint. Complainants filed a first amended complaint on February 13, 2012 and a second amended complaint on March 29, 2012. A second PHC was conducted on April 5, 2012. At the PHC, parties agreed to continue discovery activities. A third PHC was conducted on May 25, 2012. Complainants filed a third amended complaint on July 30, 2012. Based on these amendments, it is necessary to issue a Scoping Ruling that reflects the Complaint as it currently stands.

Due to the procedural history recounted above, the proceeding cannot be concluded by October 13, 2012.

Discussion

Based on the current status of the case, this proceeding cannot be completed by October 13, 2011. Therefore, an extension of time for an additional 12 months is necessary for resolution of this matter.

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Stephen C. Roscow is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. The schedule for concluding this proceeding has been materially delayed by mutually agreed-upon efforts to resolve the dispute utilizing the Commission's Alternative Dispute Resolution program, as well as subsequent amendments to the original Complaint.
2. This proceeding cannot be completed by October 13, 2012.

Conclusions of Law

1. It is appropriate to extend the 12-month deadline set forth in Pub. Util. Code § 1701.2(d) and waive the 30-day period for review and comment of this order for the reasons set forth in the Findings of Fact.
2. The deadline should be extended for a period of 12 months in order to ensure timely issuance of the final order in this matter.

IT IS ORDERED that:

1. The time for completion of this proceeding is extended until October 13, 2013.
2. The 30-day period for review and comment on this order is waived.
This order is effective today.
Dated October 25, 2012, at Irvine, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners